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Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey: comments by the State

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the comments by the State on the report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey.

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Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Turkey: comments by the State*

1. The Government of the Republic of Turkey would like to submit following comments in respect of the report regarding the visit conducted by the Working Group on Enforced and Involuntary Disappearances to Turkey from 14 to 18 March 2016. The Government kindly asks the Secretariat to include those comments as an Addendum to the final report.

2. In paragraph 11 of the report, it is stated that "Although during the visit the Working Group did not receive allegations of recent enforced disappearances, its experience suggests that such as the current one in the south-east are conducive to human rights violations, including enforced disappearances."

The Government would like to recall that it would be prejudging to conclude on potential violations as of today, having due respect to the valuable experience of the Working Group.

3. The Government would like to bring to the Secretariat's attention that PKK has not been referred to as a terrorist organization in the report.

The Government would like to emphasize that PKK is a terrorist organization, listed as such internationally by numerous countries, including members of the European Union (EU) and others such as United States, Canada and Australia. The EU also designated PKK as a terrorist entity since 2004. The North Atlantic Treaty Organization (NATO) also refers to PKK as a terrorist entity. Since its inception in 1984, more than 40 thousand people lost their lives because of PKK terrorism.

4. In paragraph 12 of the report, reference is made to testimonies heard by the Working Group, including the allegations of families not being able to have access to the bodies of their loved ones killed during the security operations or of bodies being disposed of.

The Government would like to state that the families were allowed and provided convenience to take the bodies of their relatives where the counter-terrorist operations took place. However, it was observed that the terrorist organization did not let the families do so by using them as human shields. On the other hand, it was witnessed that the municipalities in the region did not fulfill their obligations regarding the burials and connived this situation to be misused by the terrorist organization.

5. The Government would also like to submit its comments regarding the report's content under the title "Disappearances of migrants transiting through Turkey" (Paragraph 14).

Turkey, with humanitarian considerations, maintains an "open door" policy for Syrians without any form of discrimination since 2011 and strictly complies with the principle of non-refoulement. There is no change in this policy. Turkey is the largest refugee-hosting country in the world. This is also a clear indication setting forth that Turkey complies with the principle of non-refoulement. Syrians are not urged or forced to voluntary return to Syria. Turkey remains committed to her obligations under international law and is determined to continue providing protection to Syrians fleeing from the instability and violence in their home country. Turkish authorities are ready to investigate any allegation on forced deportation.

* Circulated in the language of submission only.

On the other hand, the allegation on Yazidi women and girls being trafficked from Syria to Turkey and sold by ISIL in Gaziantep, does not reflect the truth.

6. The Government finally would like to mention that Turkey conducts its struggle against terrorism in accordance with national and international law, while at the same time attaching particular importance to the protection of all fundamental rights and freedoms.

The intervention by the security forces by way of comprehensive operations was compulsory to restore the public order, to remove the barriers, to close the ditches, to defuse the explosives planted in the barriers, ditches, roads and buildings and to ensure the public safety and security, as well as the protection of public and private property. Thus, the security forces have been carrying out counterterrorism operations, in order to stop the terrorist attacks, as well as to restore public order and to protect civilians whose fundamental rights have been severely infringed upon by those terrorist attacks.

Within the context of counterterrorism operations,

- Utmost attention has been paid to protection of human rights;
- Great sensitivity has been shown to differentiate terrorists from civilians;
- Multi-dimensional and comprehensive measures have been taken by high-tech equipped security forces in order to prevent any civilian casualties;
- All possible precautions have been taken so as to prevent civilian losses due to improvised explosive devices (IEDs) planted by PKK terrorist organization;
- All emergency needs of the population are met throughout the operations and the curfews.